	Application No.	Applicant(s)
Notice of Allowability	10/751,825	BENNETT ET AL.
	Examiner	Art Unit
	Roberto Rábago	1713
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to		
2. X The allowed claim(s) is/are <u>1-7</u> .		
3. The drawings filed on are accepted by the Examiner.		
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some* c) None of the:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  6. CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) hereto or 2) to Paper No./Mail Date  (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (c) DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
<ul> <li>Attachment(s)</li> <li>1. ☑ Notice of References Cited (PTO-892)</li> <li>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 1/5/04</li> <li>4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	6. ☐ Interview Summary Paper No./Mail Dat 8), 7. ☑ Examiner's Amendn	e

## **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Gail Dalickas on 3/1/05.

## In the specification:

On page 1, replace the paragraph under <u>CROSS-REFERENCE TO RELATED</u>

<u>APPLICATIONS</u> with the following rewritten paragraph.

This application is a division of U. S. Ser. No. 09/712,673 (filed November 14, 2000), now Patent 6,699,955, which claims priority under 35 U.S.C. 119 from U.S. Provisional Application Ser. No. 60/166,416 (filed November 19, 1999), which are incorporated by reference herein for all purposes as if fully set forth.

On page 2, line 10, after "1999" insert -- , now patent 6,214,761 -- .

On page 2, line 11, after "1999" insert -- , now patent 6,252,022 --.

On page 2, line 13, after "1999" insert --, now abandoned --.

On page 10, line 31, after "1999" insert --, now patent 6,232,259 --.

## In the claims:

In claim 4, line 1, change "1" to -- 2 --.

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## Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The closest prior art references are Kerns et al. (US 6,479,601) and Britovsek et al. (US 6,451,939). Britovsek discloses olefin copolymerization using the claimed catalyst (col. 1-4), but fails to disclose diolefins as copolymerization monomer. Kerns discloses diolefin copolymerization using the claimed catalyst (col. 1-7), but fails to disclose ethylene as copolymerization monomer. The closest Kerns comes to suggesting a copolymerization monomer for use with diolefins is the inclusion of vinyl aromatics (col. 11, lines 55-57). Given the references' lack of suggestion to combine a diolefin with ethylene (or any other alpha olefin) in a copolymerization method comprising the required catalyst, no motivation can be found for modifying the reference disclosures to emerge with the claimed process.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberto Rábago Primary Examiner

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RR March 1, 2005